

REMARKS

Claims 6 and 16-37 are pending in the application. Claims 6 and 16-37 were rejected in the Office action dated June 2, 2005. Claims 6, 16, and 30 are independent claims while claims 17-29 depend from claim 16 and claims 31-37 depend from claim 30.

In view of the remarks herein, reconsideration and allowance of claims 6 and 16-37 is respectfully requested. Applicants will respond to the Office action herein referencing the paragraph numbers contained in the Office action.

1. Paragraph 1 in the Office action includes a recitation of 35 U.S.C. § 103(a). No response is necessary from Applicant.
2. Claims 6 and 16-24, 26-28 and 30-37 were rejected in the Office action under 35 U.S.C. § 103(a) as being unpatentable over Patton, et al. (USPN 5,989,296) in view of Christ et al. (USPN 3,679,357).

Specifically, in the Office action it is asserted that it would have been obvious to one having ordinary skill in the art to modify the device of Patton et al. to include a pump as taught by Christ for the purpose of positively transferring liquid from the inlet to the outlet of the trench as recited in claims 6, 16-28, and 30-37. Applicants respectfully disagree and reconsideration of claims 6, 16-28, and 30-37 is respectfully requested.

Independent claims 6 and 16, and 30 have been amended herein to recite that the bags include denim fabric. Claims 17-28 depend from claim 16 while claims 31-37 depend from

claim 30.

The Federal Circuit has mandated that a rejection under § 103(a) is only appropriate if there is a “teaching, suggestion, or incentive supporting the combination” relied upon. *In re Geiger*, 815 F.2d 868, 2 USPQ 2d 1276, 1278 (Fed. Cir. 1987). The Federal Circuit went further to state in *Akzo N.V. v. United States International Trade Commission*, 1 USPQ 2d 1241, 1246 (Fed. Cir. 1986), *cert denied*, 482 U.S. 909 (1987), that:

[P]rior art references before the tribunal must be read as a whole and consideration must be given where the references diverge and teach away from the claimed invention... Moreover, appellants cannot pick and choose among individual parts of associated prior art references “as a mosaic to recreate a facsimile of the claimed invention.”

Applicants submit that there is no requisite teaching, suggestion or incentive to combine the Patton et al. reference with the Christ et al reference as asserted in the Office action. In fact, the Patton et al. reference teaches away from such a combination.

The Patton et al. reference discloses that a problem exists in that denim scraps tend to curl and roll into spirals of fabric when wetted with solvent and agitated in a free state. In addition, denim scraps tend to unravel when vigorously agitated. The Patton et al. reference at column 4, lines 38-47 states as follows:

Because of the asymmetry in construction and the different chemical history of the yarns, when denim scraps are wetted with solvent and agitated in a free state, they curl and roll into spirals of fabric, sometimes tightly. A tightly wound spiral allows poor access to a circulating bath, since the inner portions of the spiral are shielded by the

outer layers. As a further problem, vigorously agitated baths tend to unravel the scraps, producing useless balls and tangles of yarn and fabric scraps which foul the bath or equipment components.

The Christ et al. patent discloses an apparatus for vigorously agitating textile scraps in a free state within a closed vessel. This is precisely the type of apparatus that Patton et al. teaches will either cause the denim to undesirably curl and roll into spirals or unravel into useless tangles of yarn. In fact, Christ et al. teaches that a portion of the liquid in the vessel is directed counter to the flow of the textile material for the precise purpose of pleating and bunching of the textile material. Christ et al., column 5, lines 14-19 (emphasis added) states:

A further portion of the liquid will take the path indicated by arrows 32, in a direction counter to the direction of travel of the textile material 5. This stream **contributes to the pleating and bunching** of the textile material and thus to increase the intensity of treatment.

It is apparent from the stated teachings of Patton et al. that the *pleating and bunching* taught by Christ et al. as a result of pumping liquid in a direction counter to the direction of travel of the textile material is undesirable. As a result, a person having ordinary skill in the art would have no motivation and, in fact, be taught away from modifying the method of the Patton et al. reference by directing the aqueous solution in the trench from the inlet to the outlet as required by claims 6, 16-28, and 30-37 because Christ et al. teaches that this modification would result in undesirable pleating and bunching of the fabric.

Accordingly, the rejection of claims 6, 16-28, and 30-37 under 35 U.S.C. § 103(a) is overcome. Allowance of claims 6, 16-28, and 30-37 is respectfully requested.

3. Claim 29 is rejected in the Office action under 35 U.S.C. § 103(a) as being unpatentable over Patton et al. in view of Traut, et al. Claim 29 depends from claim 16 and includes all of the limitations of claim 16. Accordingly, claim 29 is allowable at least for the reasons set forth above with regard to claim 16. The Traut, et al. reference does not disclose or teach the circulation of liquid in a vat from the inlet end to the outlet end in order to increase the flow of liquid through the bag. Reconsideration and allowance of claim 29 is respectfully requested.

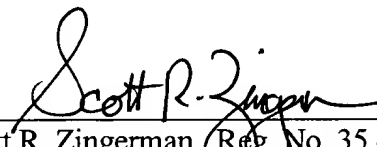
4. Claim 37 is rejected in the Office action under 35 U.S.C. § 103(a) as being unpatentable over Patton et al. in view of Hendrix, et al. Claim 37 depends from claim 30 and includes all of the limitations of claim 30. Accordingly, claim 37 is allowable at least for the reasons set forth above with regard to claim 30. The Hendrix, et al. reference does not disclose or teach the circulation of liquid in a vat from the inlet end to the outlet end in order to increase the flow of liquid through the bag. Reconsideration and allowance of claim 37 is respectfully requested.

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5. No fee in addition to the one month extension of time addressed above is believed to be due. However, if any additional fee is made payable by the filing of this paper, please consider this our authorization to charge the Deposit Account of the undersigned, No. 06-0540.

Respectfully submitted,

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